



IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

Darryl W. Riser,
Plaintiff,

v.

United States Department of State, et al.,
Defendant.

No. H-09-CV-3273
(Judge Keith P. Ellison)

DECLARATION OF CHARLENE HEERMANS

I, Charlene R. Heermans, declare as follows:

- (1) I am currently a Human Resources (HR) Specialist for Information Systems with the Office of Personnel Management (OPM). As the HR Specialist for Information Systems in the agency's operating personnel office, my collateral duties include responsibility as the HR's FOIA/PA Officer. In addition, I am responsible for the agency's personnel system as well as eOPF (electronic Official Personnel Folder) system of records.
- (2) It is my understanding that Plaintiff Darryl W. Riser alleges that OPM has records in a Dayton, Ohio office concerning an application for employment with OPM and interview for the same that he purportedly participated in during the 1988-89 timeframe. This declaration provides an explanation of the additional search for information as alleged by Plaintiff pursuant to his FOI/PA requests. I make the statements herein on the basis of personal knowledge, as well as on information acquired by me in the course of performing my official duties.
- (3) The Dayton, Ohio office of OPM was closed in December 2000. There is no successor office located in the Dayton, Ohio area.

- (4) At the time of its closure all records of the Dayton, Ohio office beyond their retention schedule were destroyed.
- (5) OPM follows the National Archives (NARA) retention schedule provided on the NARA website at <http://www.archives.gov/records-mgmt/grs/grs01.html>.
- (6) The NARA retention schedule for documents is as follows:¹
 - a. **Personnel Correspondence Files.**
 - i. Correspondence, reports, and other records relating to the general administration and operation of personnel functions, but excluding records specifically described elsewhere in this schedule and records maintained at agency staff planning levels.
 - ii. Destroy when 3 years old.
 - b. **Certificate of Eligibles Files.**
 - i. Copies obtained from OPM of certificates of eligibles with related requests, forms, correspondence, and statement of reasons for passing over a preference eligible and selecting a nonpreference eligible.
 - ii. Destroy when 2 years old.
 - c. **Interview Records.**
 - i. Correspondence, reports, and other records relating to interviews with employees.
 - ii. Destroy 6 months after transfer or separation of employee.
 - d. **Merit Promotion Case Files.**

¹ The schedule provided herein is taken from the NARA website location provided in paragraph #5.

- i. Records relating to the promotion of an individual that document qualification standards, evaluation methods, selection procedures, and evaluations of candidates.
- ii. Destroy after OPM audit or 2 years after the personnel action is completed, whichever is sooner.

e. Examining and Certification Records.

- i. Delegated agreements and related records created under the authority of 5 U.S.C. 1104 between the OPM and agencies, allowing for the examination and certification of applicants for employment.
 - 1. Delegated agreements.
 - a. Destroy 3 years after termination of agreement.
 - 2. Correspondence concerning applications, certification of eligibles, and all other examining and recruiting operations. Such correspondence, includes, but is not limited to, correspondence from Congress, White House, and the general public, and correspondence regarding accommodations for holding examinations and shipment of test materials.
 - a. Cut off annually. Destroy 1 year after cutoff.
 - 3. Correspondence or notices received from eligibles indicating a change in name, address, or availability.

- a. Destroy 90 days after updating the appropriate record in the registry or inventory.
- 4. Examination Announcement Case Documentation Files.
 - a. Correspondence regarding examination requirements, final version of announcement(s) issued, subsequent amendments to announcement(s), public notice documentation, rating schedule, job analysis documentation, record of selective and quality rating factors, rating procedures, transmutation tables, and other documents associated with the job announcement(s) and the development of the register/inventory or case examination.
 - b. Cut off after termination of related register or inventory or after final action is taken on the certificate generated by case examining procedures.

Destroy 2 years after cut off.
- 5. Register or inventory of eligibles (OPM Form 5001-C or equivalent, documenting eligibility of an individual for Federal jobs).
 - a. Destroy 2 years after the date on which the register of inventory is terminated.

6. Letters to applicants denying transfer of eligibility (OPM Form 4896 or equivalent).
 - a. Cut off annually. Destroy 1 year after cutoff.
7. Eligible applications for positions filled from a register or inventory, including OF 612, resumes, supplemental forms, and attachments, whether in hard copy or electronic format.
 - a. On active register or inventory.
 - i. Destroy 90 days after termination of the register or inventory, (except for those applications that may be brought forward to a new register or inventory, if any).
 - b. On inactive register or inventory.
 - i. Cut off annually. Destroy 1 year after cut off.
8. Ineligible or incomplete applications for positions filled by case examining. Such documents include OF 612, resumes, supplemental forms, whether in hard copy or electronic format.
 - a. Cut off annually. Destroy 2 years after cutoff.
9. Eligible applications for positions filled by case examining that either are not referred to the hiring official or are returned to the examining office by the hiring official. Such

documents include OF 612, resumes, supplemental forms, and attachments, whether in hard copy or electronic format.

a. Cut off annually. Destroy 2 years after cutoff.

10. Certificate Files, including SF 39, SF 39A, or equivalent, and all papers upon which the certification was based: the list of eligibles screened for the vacancies, ratings assigned, availability statements, the certificate of eligibles that was issued to the selecting official, the annotated certificate of eligibles that was returned from the selecting official, and other documentation material designated by the examiner for retention.

a. Cut off annually. Destroy 2 years after cutoff.

11. Certification request control index. Certificate control log system. Records of information (e.g. receipt date, series, and grade of position, duty station, etc.) pertaining to requests for lists of eligibles from a register or inventory.

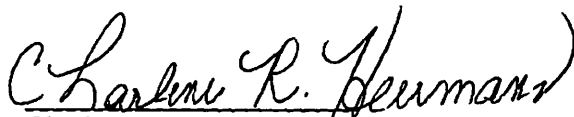
a. Cut off annually. Destroy 2 years after cutoff.

(7) Pursuant to the NARA retention schedule all records regarding any purported application for employment and/or interview for employment in the 1988-89 timeframe were scheduled to be destroyed well before the Dayton, Ohio office closed in December 2000.

(8) No records from the Dayton, Ohio office beyond their retention schedule were retained by OPM or sent to NARA for storage.

(9) A search for any records regarding an application for employment with OPM and/or interview for the same by Plaintiff Riser has not resulted in the discovery of any responsive documents.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on this 16th day of November, 2010.


Charlene R. Heermans